

**HAWAII STATE
HOUSE OF REPRESENTATIVES**

REGULAR SESSION OF 2012

***ROUGH DRAFT
JOURNAL***

**TWENTY-SECOND DAY
FEBRUARY 21, 2012**

OFFICE OF THE CHIEF CLERK

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TWENTY-SECOND DAY

Tuesday, February 21, 2012

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012, convened at 12:14 o'clock p.m., with Speaker Say presiding.

The invocation was delivered by Representative Jo Jordan, after which the Roll was called showing all Members present with the exception of Representatives M. Lee and McKelvey, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twenty-First Day was deferred.

The Speaker then welcomed and recognized the following honored and distinguished guests:

United States Senator Daniel K. Inouye, who was presented with lei by Representative Cindy Evans; and Mrs. Irene Hirano Inouye, who was presented with lei by Representative Pono Chong;

Governor Neil Abercrombie, who was presented with lei by Representative Karen L. Awana; and Dr. Nancie Caraway, who was presented with lei by Representative Kyle Yamashita;

Chief Justice Mark E. Recktenwald, who was presented with lei by Representative Linda Ichiyama; and

Council Member Tulsi Gabbard, who was presented with lei by Representative Marcus R. Oshiro.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 644) was received and announced by the Clerk:

Gov. Msg. No. 644, dated February 16, 2012, appointing Heather Giugni to the 33rd House District with a term expiring November 6, 2012.

The Speaker appointed the Sergeant-at-Arms to escort Ms. Heather H. Giugni and the Honorable Mark E. Recktenwald, Chief Justice of the State of Hawaii, to the rostrum.

The Speaker then requested that the Chief Justice administer the Oath of Office.

OATH OF OFFICE

The Honorable Mark E. Recktenwald, Chief Justice of the State of Hawaii, addressed Ms. Giugni and administered the Oath of Office in accordance with the provisions of the Constitution of the State of Hawaii.

The Speaker then presented to the Members of the House the newest Member of the House, Representative Heather H. Giugni.

Vice Speaker Joey Manahan then presented Representative Giugni with lei on behalf of the Members of the House.

Representative Chong introduced Representative Giugni's guests, who were seated with her on the Floor of the House:

Ms. Kealoha Giugni, sister;
Ms. Beadie Dawson, aunt;
Ms. Kanani Donahue, aunt; and
Mr. George Lee and Mrs. Grace Lee, fill-in parents.

Representative Chong also recognized her many friends and family who were seated in the gallery.

At 12:26 o'clock p.m. the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:36 o'clock p.m.

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 26) was received and announced by the Clerk:

Sen. Com. No. 26, transmitting S.B. No. 2909, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES," which passed Third Reading in the Senate on February 17, 2012.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bill passed First Reading by title and further action was deferred: (Representatives Chang, Giugni, C. Lee, M. Lee, McKelvey, Saiki and Thielen were excused.)

S.B. No. 2909

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Awana introduced Mr. James Dold of the Policy Counsel of the Polaris Project in Washington, DC.

Representative Hashem introduced his friend, Ms. Suzan Freeman. She was accompanied Representative's Legislative Aide, Mr. Casey Nishimura.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 34) was announced by the Clerk and the following action taken:

H.R. No. 34, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING ROSE LEE FOR DEDICATED SERVICE TO HAWAII'S MILITARY COMMUNITY, AND THE PEOPLE OF THE STATE OF HAWAII," was jointly offered by Representatives Oshiro, Ichiyama and Takai.

Representative Oshiro moved that H.R. No. 34, be adopted, seconded by Representative Ichiyama.

Representative Oshiro commended the honoree, Mrs. Rose Lee of Rose Lee's Tailor Shop for her many years of dedicated service in helping make our military personnel in uniform look their best, and congratulated her on her retirement.

Representative Oshiro also introduced her husband, Sergeant Major (retired) Henry Lee who was seated with her on the Floor of the House.

Representative Ichiyama also thanked her Aunt Rose for all the seamstress work she did for her family, and introduced Mr. and Mrs. Lee's son-in-law, Mr. Paul Putzulu who was seated in the gallery. He was accompanied by family friend, Mr. Wayne Iha,

Representative Takai thanked Mrs. Lee for the many years of tailoring work she provided for his military uniforms, and thanked them both for their support of our military community, including the making of the ribbons for the Hawaii Medal of Honor.

Representative Cabanilla also thanked Mrs. Lee for keeping her uniforms up to date, and commended her on being the 'encyclopedia of uniforms.'

Representative Ward thanked the honoree for her service to our military.

The motion was put to vote by the Chair and carried, and H.R. No. 34, was adopted, with Representatives Chang, M. Lee, McKelvey, Saiki and Thielen being excused.

At 12:51 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:58 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representative Chang, M. Lee, McKelvey, Saiki, Thielen and Tokioka were excused.)

UNFINISHED BUSINESS

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 657-12) recommending that H.B. No. 46, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 46, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Third Reading by a vote of 46 ayes, with Representatives Chang, M. Lee, McKelvey, Saiki and Thielen being excused.

At 1:00 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 46, HD 2

H.B. No. 2662, HD 1:

On motion by Representative Chong, seconded by Representative Evans and carried, H.B. No. 2662, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES AND CLARIFYING LANGUAGE," passed Third Reading by a vote of 46 ayes, with Representatives Chang, M. Lee, McKelvey, Saiki and Thielen being excused.

At 1:01 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 2662, HD 1

REPORTS OF STANDING COMMITTEES

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 658-12) recommending that H.B. No. 2429, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2429, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF AGRICULTURE," passed Second Reading and was placed on the

calendar for Third Reading, with Representatives Chang, M. Lee, McKelvey, Saiki and Thielen being excused.

THIRD READING

H.B. No. 2455, HD 1:

Representative Chong moved that H.B. No. 2455, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Pine's written remarks are as follows:

"Although this bill has been amended to address the concerns raised by the League of Women Voters, I am voting with reservations because this could put us on a slippery slope. I'm concerned that exceptions like these could lead to even more exceptions. I hope we proceed with caution to ensure the public's trust in us."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Hanohano rose to speak in support of the measure with reservations, stating:

"Ho'omalū 'ōlelo, ke kū nei au ke kako'o me ke kanalua."

Representative Hanohano provided the following translation:

Mr. Speaker, I rise with reservations.

The motion was put to vote by the Chair and carried, and H.B. No. 2455, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CODE OF ETHICS," passed Third Reading by a vote of 46 ayes, with Representatives Chang, M. Lee, McKelvey, Saiki and Thielen being excused.

At 1:02 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 2455, HD 1

SUPPLEMENTAL CALENDAR #1

INTRODUCTION OF RESOLUTIONS

The following resolution (H.R. No. 35) was announced by the Clerk and the following action taken:

H.R. No. 35, entitled: "HOUSE RESOLUTION RELATING TO THE COMMITTEE ASSIGNMENTS OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SIXTH LEGISLATURE," was offered by Representative Say.

Representative Chong moved that H.R. No. 35, be adopted, seconded by Representative Ward.

At 1:03 o'clock p.m. Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:04 o'clock p.m.

The motion was put to vote by the Chair and carried, and H.R. No. 35, was adopted, with Representatives Chang, M. Lee, McKelvey, Saiki and Thielen being excused.

ORDINARY CALENDAR

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 31 through 33) and concurrent resolutions (H.C.R. Nos. 50 through 54) were referred to Printing and further action was deferred:

H.R. No. 31, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII HEALTH SYSTEMS CORPORATION TO IMPLEMENT THE COLLABORATION OF COMMUNITY HOSPITALS WITH COMMUNITY HEALTH CENTERS, AND TO DEVELOP A PLAN TO INTEGRATE CERTAIN RURAL HOSPITALS WITH FEDERALLY-QUALIFIED HEALTH CENTERS," was offered by Representative Yamane.

H.R. No. 32, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO FULLY IMPLEMENT THE SECTION 1115 WAIVER GRANTED TO HAWAII IN 1994 TO RAISE THE MEDICAID ELIGIBILITY TO UP TO THREE HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL," was offered by Representative Yamane.

H.R. No. 33, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THOSE STATE AGENCIES WITH SALARY AND WAGE OVERPAYMENTS," was jointly offered by Representatives Takai, Belatti, Keith-Agaran, C. Lee, Luke, Nakashima, Nishimoto and Takumi.

H.C.R. No. 50, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO RECOGNIZE LOCAL KOREANS BY DIRECTING THE PLACEMENT OF A COMMEMORATIVE PLAQUE DESIGNATING THE FORMER SITE OF THE KOREAN CHRISTIAN INSTITUTE," was jointly offered by Representatives Luke and Awana.

H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO RECOGNIZE LOCAL KOREANS BY DIRECTING THE PLACEMENT OF A COMMEMORATIVE PLAQUE DESIGNATING THE FORMER SITE OF THE KOREAN BOARDING SCHOOL FOR BOYS AND THE KOREAN METHODIST CHURCH," was jointly offered by Representatives Luke and Awana.

H.C.R. No. 52, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII HEALTH SYSTEMS CORPORATION TO IMPLEMENT THE COLLABORATION OF COMMUNITY HOSPITALS WITH COMMUNITY HEALTH CENTERS, AND TO DEVELOP A PLAN TO INTEGRATE CERTAIN RURAL HOSPITALS WITH FEDERALLY-QUALIFIED HEALTH CENTERS," was offered by Representative Yamane.

H.C.R. No. 53, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO FULLY IMPLEMENT THE SECTION 1115 WAIVER GRANTED TO HAWAII IN 1994 TO RAISE THE MEDICAID ELIGIBILITY TO UP TO THREE HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL," was offered by Representative Yamane.

H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THOSE STATE AGENCIES WITH SALARY AND WAGE OVERPAYMENTS," was jointly offered by Representatives Takai, Belatti, Brower, Keith-Agaran, Luke, Nakashima, Nishimoto, Saiki and Takumi.

ANNOUNCEMENTS

Representative Wooley: "Thank you, Mr. Speaker. I'd just like to have us take a moment to recognize the Chair of International Affairs. I've been assured she's not running for President, but her birthday was yesterday, President's Day."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
31	Committee on Health, then to the Committee on Finance
32	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
50	Committee on International Affairs, then to the Committee on Finance
51	Committee on International Affairs, then to the Committee on Finance
52	Committee on Health, then to the Committee on Finance
53	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
2709	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
2821	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
2828	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Education, then to the Committee on Finance
2909	Committee on Public Safety & Military Affairs
2988	Committee on Finance

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
530	Committee on Finance
2133	Jointly to the Committee on Human Services and the Committee on Culture & the Arts
2238	Committee on Consumer Protection & Commerce
2260, HD1	Committee on Energy & Environmental Protection, then to the Committee on Finance

ADJOURNMENT

At 1:05 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, February 22, 2012. (Representatives Chang, M. Lee, McKelvey, Saiki and Thielen were excused.)